

HOUSE BILL 3844

By Sargent

AN ACT to amend Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 54 of the Private Acts of 1987; Chapter 114 of the Private Acts of 2006 and Chapter 59 of the Private Acts of 2010; and any other acts amendatory theretoby relative to public sidewalks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 54 of the Private Acts of 1987; Chapter 114 of the Private Acts of 2006 and Chapter 59 of the Private Acts of 2010 and any other acts amendatory thereto is amended by deleting the language in Article II, Section I, Subsection (35) in its entirety and by substituting instead the following language as a new Subsection (35):

(35) Construct, maintain, and repair sidewalks located within the public right-of-way and City easements as needed, at the City's expense except for public sidewalks within development projects involving vacant land, redevelopment of previously improved property, or damage caused by the property owner or by a third party which will be repaired at the developers' or property owners' expense.

SECTION 2.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin or unless it is approved by a majority of the number of qualified voters of the City of Franklin voting in an election on the question of whether or not the act should be approved. The local legislative body, in its discretion, shall determine which of the preceding methods of local approval shall be used.

(b) If the local legislative body chooses the method of local approval that requires the vote of the legislative body, then the approval or nonapproval of this act shall be proclaimed by

the presiding officer of the legislative body of the City of Franklin and certified to the secretary of state.

(c) If the local legislative body chooses the method of local approval that requires a referendum, then the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The results of the referendum shall be certified to the secretary of state by the presiding officer of the legislative body of the City of Franklin.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon ratification as provided in Section 2.